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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/910,507	07/19/2001	Nicole Beaulieu	29757/P-585	9682

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EXAMINER	
ASHBURN, STEVEN L	
ART UNIT	**PAPER NUMBER**
3714	14

DATE MAILED: 01/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/910,507	BEAULIEU ET AL.	
	Examiner	Art Unit	
	Steven Ashburn	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 November 2003*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *44-65* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *44-65* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *9,10* .
4) ☒ Interview Summary (PTO-413) Paper No(s). *11* .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Abstract

The objection to the abstract is withdrawn as result of the applicant's amendment.

Claim Rejections - 35 USC § 112

The rejection of claims 1, 10, 13, 18, 22, 25 and 34 under 35 USC 112 is withdrawn due to the cancellation of the claims.

Claim Rejections - 35 USC § 103

Claims 44, 45, 47-53, and 55-65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fulton, U.S. Patent 5,100,137 (Mar. 31, 1992) in view of Ishibashi , U.S. Patent 5,695,188 (Dec. 9, 1997) ~~in view of~~ and Takemoto et al. 5,807,177 (Sep. 15, 1998)

Fulton discloses an electronic, poker-type game which provides a player with an opportunity to increase the amount wagered, and therefore to increase a winning payout, even after the player has received a definite indication that the player has won. *See abstract.*

Claims 44 and 52: *Fulton* teaches the following features of the claims:

a. Displaying a plurality of spinning reel images, each representing a spinning slot machine reel on a slot machine representing a plurality of reels. *See fig. 2, 3; col. 4:63-5:8.*

b. Displaying a plurality of stopped reel images in place of one or more of the spinning reel images in which the number of images displayed is less than the number of images in the set. *See fig. 2, 3; col. 3:22-4:5.*

c. Determining an in-game outcome associated with the configuration of symbols displayed in the set. *See id.* In particular, it deals an initial hand of five cards of which only two images are

revealed. *See id.* The selection of the revealed cards constitutes the determination of a game outcome based on the association of the displayed set.

However, *Fulton* does not disclose the claimed features directed toward providing in-game stimulations associated with the in-game outcome.

It is common for gaming devices to output visual and audio stimulation association with games. *Fulton* clearly provides visual stimulation. *See fig. 3.* Although not discussed, it is implicit that *Fulton* also provides some form of aural stimulation. *Ishibashi* discloses an analogous gaming device that provides distinct audio outputs in association with particular outcomes as they occur on variable displays. *See col. 2:26-63.* The reference suggests that changing the sounds prevent the game form becoming monotonous. *See col. 2:1-9.* Furthermore, the distinct sounds allow players to distinguish winning outcomes as they occur. *See col. 2:55-63.* In view of *Ishibashi* it would have been obvious to one of ordinary skill in the art at the time of the invention to modify *Fulton*, wherein an in-game outcome is comprised than less than all of the reels, to add the feature of associating in-game stimulations with the in-game outcome. As suggested by *Ishibashi* providing a aural stimulation associated with each outcome prevents a game form becoming monotonous and allows players to distinguish winning outcomes as they occur. *See col. 2:1-9, 2:55-63.*

The gaming device suggested by the *Fulton* in view of *Ishibashi* describes all the claimed features except providing 3D aural stimulation. *Takemoto* discloses a gaming machine chair including a vibration generator and a loudspeakers mounted to the left and right of a players head. *See fig. 1; col. 2:30-63.* The vibration generator is used for generating vibrations proper to the progress of a game. *See id.* Furthermore, the speakers positioned close to the player's head improve the impact of a game. *See id.* Having two speakers mounted on the opposite sides of a player' head generates a 3-D aural stimulation. In view of *Takemoto*, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the gaming device suggested by the *Fulton* in view of *Ishibashi* to add the feature of

stimulation being a 3-D aural stimulation. As suggested by *Takemoto* adding the feature of a 3-D aural stimulation improves the impact of the game by producing sound effects on speakers close to the player's head. *See id.*

Claims 45 and 53: The examiner interprets this claim to require that a subsequent stage of the claimed invention will stop additional reels but not all the reels. For example, in a five-reel game, wherein two reels are initially stopped, a subsequent round would stop at least one additional reel but less than all five-reels. In comparison, the primary embodiment of *Fulton* discloses a five-reel stud poker game having two rounds. In the first round, less than the total number reels are stopped to reveal cards. *See col. 52-57.* In the second round, the remaining reels are stopped to reveal all cards. *See col. 1:68-2:4.* Hence, *Fulton's* primary embodiment does not describe the claimed feature of displaying another set of stopped reel images wherein the number is less than the plurality of spinning reel images. Nonetheless, *Fulton* additionally states that the number of cards revealed at various stages may be varied. *See col. 5:6-8.* This statement suggests that other embodiments of the device may have additional stages in which less than all the reels are stopped. Moreover, it is notoriously well known that stud-poker games have more than two rounds wherein each round reveals one additional card until, after several rounds, all the cards are revealed. Doing so enhances the game by extending the game's length, increasing suspense and anticipation and increasing the amount of wagers. Hence, in the gaming device suggested by *Fulton* in view of *Ishibashi* and *Takemoto*, wherein, players play more than one round of stud poker, it would be obvious to an artisan at the time of the invention to add the feature of displaying another set of stopped reel images wherein the number is less than the plurality of spinning reel images in order to extending the game's length, increasing suspense and anticipation and increasing the amount of wagers. Doing so would enhance the players' enjoyment and increase the operator's income.

Claims 47 and 55: *Fulton* discloses determining game outcomes before revealing game images. *See col. 1:45-2:13.*. In particular, *Fulton* determines a game outcome of five cards of which three are initially unrevealed.

Claims 48 and 56: *Takemoto* discloses a plurality of in-game stimulations comprised of video, sound and vibration. *See fig. 1; col. 2:30-63.*

Claims 49 and 57: *Takemoto* provides in-game simulations simultaneously. *See id.* In particular, it provides simultaneous video, audio and vibratory at the same time.

Claims 50 and 58: *Takemoto* provides in-game simulations sequentially. *See id.* In particular, stimulations are provided in accordance with the progress of the game.

Claims 51 and 59: *Takemoto* provides stimulation in accordance with the progress of the game. *See id.* In particular, the system generates vibrations proper to the progress of the game. Implicitly, during the progress of the game, different audio and video stimulations will occur. Hence, *Takemoto* provides in-game stimulations which are different from other in-game stimulations.

Claim 60: The gaming device gaming device suggested by *Fulton* in view of *Ishibashi* and *Takemoto* describes visual stimulation devices selected from the group of a display unit, a partitioned display unit, multiple display units, reels, top boxes, toppers, candles, light bezels button lights and dispenser lights. *See Fulton, fig. 1.*

Claim 61: *Takemoto* illustrates a visual stimulation device as a peripheral device having lights and displays. *See fig. 7(20).*

Claim 62: The gaming device suggested by *Fulton* in view of *Ishibashi* and *Takemoto* describes payout devices selected from the group consisting of cooing hopper, token hopper, voucher printer, and electronic fund transfer devices. *See Takemoto, fig. 6(9).*

Claims 63-65: The gaming device suggested by *Fulton* in view of *Ishibashi* and *Takemoto* does not describe the features of a network or a central controller wherein the network is a LAN, WAN, Internet or peer-to-peer network. Regardless, it is notoriously well known in the art to link gaming devices to network such that remotely located players can participate in games without traveling to a gaming location and thereby increase operator revenues by accessing a greater market of players. Furthermore, it is notoriously well known to link gaming devices to central controllers via networks to provide a central location of player tracking and financial data and thereby enhance operator's ability to collect, store, manage, and distribute data regarding player's habits and finances. Furthermore, LAN, WAN, Internet, and peer-to-peer networks are equivalents methods known in the art for the same purpose of linking devices together to transfer data. It would have been a matter of design choice for an artisan to use one form of network over another depending on geographic, bandwidth and security considerations. Consequently, it would have been obvious to an artisan at the time of the invention to modify the gaming device suggested by *Fulton* in view of *Ishibashi* and *Takemoto* to add the features of a network or a central controller wherein the network is a LAN, WAN, Internet or peer-to-peer network. The modification would improve the device by allowing remotely located players can participate in games without traveling to a gaming location and thereby increase operator revenues by accessing a greater market of players. Furthermore, the modification would allow the device to be linked to provide a

central location of player tracking and financial data and thereby enhance operator's ability to collect, store, manage, and distribute data regarding player's habits and finances

Claims 46 and 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Fulton* in view of *Ishibashi* and *Takemoto*, as applied to claim 44 above, in further view of Bennett, U.S. Patent 6,224,482 B1 (May 1, 2001)

In regards to claims 46 and 54: The gaming system suggested by the combination of *Fulton* in view of *Ishibashi* and *Takemoto* describe all the features of the claims except having a second in-game stimulation heightened relative to the first in-game stimulation. *Bennett* describes a gaming system that increases the pitch, sound level and duration of sounds in a game as an incremental prizes adds up in order to add excitement to a game. *See col. 6:53-61.* Hence, it suggests heightening a second in-game stimulation relative to a first in-game stimulation in order to add excitement to a multi-stage game. In view of *Bennett*, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the gaming system suggested by the combination of the gaming device suggested by *Fulton* in view of *Ishibashi* and *Takemoto* to add the feature of having the second in-game stimulation being heightened relative to the first in-game stimulation. As suggested by *Bennett*, the modification would enhance to system by adding excitement to a multi-stage game. *See col. 6:53-61.*

Response to Arguments

Applicant's arguments with respect to claims 1-43 have been considered but are moot in view of the new ground(s) of rejection.

Prior Art, Not Relied On

The following prior art of record is not relied upon but is considered pertinent to applicant's disclosure:

Yamazaki et al., U.S. Patent 6,279,902 B1 (Aug. 28, 2001) discloses an gaming device that provides different audio and visual stimulations based on the state of the player.

Braun et al., U.S. Patent 6,411,276 B1 (Jun. 25, 2002) discloses an analogous system for providing a human-computer interface that provides haptic feedback corresponding to events and interactions in graphical environments such as video game.

Redmann et al., U.S. Patent 5,633,993 (May 27, 1997) discloses an analogous system for generating 3D sound in arcade devices.

Acres et al., U.S. Patent 5,876,284 (Mar. 2, 1999) discloses a gaming device that changes the intensity of player stimulation in association with the level of a bonus session.

Kansil, 'Bicycle, Official Rules of Card Games, The United States Playing Card Company, Cincinnati, OH, 90th Ed., 2001.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Ashburn whose telephone number is 703 305 3543. The examiner can normally be reached on Monday thru Friday, 8:00 AM to 4:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Hughes can be reached on 703-308-1806. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308 1148.

s.a.

MARK SAGER
PRIMARY EXAMINER